



09-16-02

PATENT

3651  
#9  
Election  
92302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steffanie G. Waddington, et al.

Group Art Unit: 3651

Serial No.: 09/867,814

Examiner: K. Tran

Filed: May 30, 2001

Atty. Dkt. No.: 11867.0003.NPUS00

For: DISTRIBUTION SYSTEM

**RESPONSE TO RESTRICTION REQUIREMENT DATED AUGUST 8, 2002**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement dated **August 8, 2002**, having a shortened statutory period for response that expired on September 9, 2002. A Petition and fee for extending this period for response one month to October 8, 2002 accompanies this response. Applicants note that an earlier version of this Restriction Requirement was mailed out on July 26, 2002, but that no detailed action accompanied this mailing. The Examiner was contacted via telephone by the undersigned regarding this omission, resulting in the second mailing.

Claims 1-26 are pending in the application. Claims 1-26 have been subjected to a restriction requirement under 35 U.S.C. § 121. Restriction to one of the following inventions has been required:

- I. Claims 1-16, drawn to a distribution system for transferring a plurality of items from a distribution center to a customer, classified in class 700, subclass 214.
- II. Claims 17-26, drawn to a method of distributing a plurality of items to a customer and itemizing said items, classified in class 705, subclass 29.

RECEIVED  
SEP 20 2002  
GROUP 3600

5/31/00



The Restriction Requirement states that Inventions I and II are related as process and apparatus for its practice.

In response to the imposed Restriction Requirement, Applicants elect, without traverse, to prosecute claims 17-26 (*i.e.*, the claims to Invention II) in the present application. A separate divisional application directed towards claims 1-16 is being filed under separate cover.

The fee for the petition for extension of time is included herewith. It is believed that no other fee is due at this time. Should the payment for this fee be inadvertently omitted, or should any other fee be required for any reason related to this document, however, the Assistant Commissioner is authorized to charge said fee to Deposit Account No. 08-3038, referencing Docket No. 11867.0003.NPUS00. The Examiner is hereby respectfully invited to contact the undersigned attorney with any questions, comments or suggestions relating to this application.

Respectfully Submitted,

Justin A. White  
Reg. No. 48,883  
Howrey Simon Arnold & White, LLP  
Box 34  
301 Ravenswood Avenue  
Menlo Park, CA 94025  
(650) 463-8100

Date: September 12, 2002

RECEIVED  
SEP 20 2002  
GROUP 3600